

**CITY OF ANTIOCH
PLANNING COMMISSION**

**Regular Meeting
6:30 p.m.**

**February 15, 2017
City Council Chambers**

Chair Motts called the meeting to order at 6:31 P.M. on Wednesday, February 15, 2017 in the City Council Chambers. He stated that all items that can be appealed under 9-5.2509 of the Antioch Municipal Code must be appealed within five (5) working days of the date of the decision. The final appeal date of decisions made at this meeting is 5:00 P.M. on Thursday, February 23, 2017.

ROLL CALL

Present: Commissioners Parsons, Husary, Turnage, Conley
Vice Chair Zacharatos and Chair Motts
Absent: Commissioner Mason
Staff: Director of Community Development, Forrest Ebbs
Associate Planner, Kevin Scudero
City Attorney, Michael Vigilia
Minutes Clerk, Kitty Eiden

PLEDGE OF ALLEGIANCE

PUBLIC COMMENTS

None.

CONSENT CALENDAR

1. Approval of Minutes: May 4, 2016
October 17, 2016

On motion by Commissioner Conley, seconded by Vice Chair Zacharatos, the Planning Commission approved the minutes of May 4, 2016, as presented. The motion carried the following vote:

***AYES: Parsons, Husary, Zacharatos and Conley
NOES: None
ABSTAIN: Turnage and Motts
ABSENT: Mason***

On motion by Commissioner Conley, seconded by Commissioner Parsons, the Planning Commission approved the minutes of October 17, 2016, as presented. The motion carried the following vote:

AYES: *Parsons, Husary, Zacharatos and Conley*
NOES: *None*
ABSTAIN: *Turnage and Motts*
ABSENT: *Mason*

NEW PUBLIC HEARING

2. **Z-17-01 – Tobacco Ordinance Amendment** – The City of Antioch is proposing text amendments to Chapter 16: Drug Paraphernalia, Section 6-8.14-Tobacco Retailer License, Section 9-5.203-Definitions and Section 9-5.3843 Tobacco and Paraphernalia Retailers of the Antioch Municipal Code. The amendments include, but are not limited to, changes to definitions related to tobacco and paraphernalia retailers, the display of tobacco paraphernalia, licenses required for retail tobacco sales, and the prohibition of tobacco and paraphernalia retailers. The proposed ordinance would be applicable city-wide. This project is exempt from the California Environmental Quality Act.

Staff recommended that this item be continued to March 1, 2017.

On motion by Commissioner Conley, seconded by Commissioner Parsons, the Planning Commission members present unanimously continued Z-17-01 – Tobacco Ordinance Amendment, to March 1, 2017. The motion carried the following vote:

AYES: *Parsons, Husary, Zacharatos, Turnage, Conley and Motts*
NOES: *None*
ABSTAIN: *None*
ABSENT: *Mason*

3. **UP-16-10, AR-16-06, V-16-04 – A St. Mini-Mart** – Amandeep Singh is requesting approval of a use permit, design review, and variance application to operate an approximately 1,200 square foot convenience store, including the renovation of the existing building on site. The project site is located at 2302 A Street (APN 067-275-023).

Associate Planner Scudero presented the staff report dated February 10, 2017 recommending the Planning Commission adopt the attached resolution denying a use permit, design review and variance for a 1,200 square foot convenience store (UP-16-10, V-16-04).

Director of Community Development Ebbs speaking to the over concentration of liquor licenses in this area, explained that historically the ABC issued licenses and cities were not involved; however, in the 1970s cities were allowed the ability to approve an over concentration. He also noted that an over concentration in this area could have occurred prior to ABC's current measurement tools. He reported that the site had been closed for a number of years and as a result lost its legal non-conforming status as a

convenience store. He noted the business had the State's approval to operate a liquor store and this request was for the City to offer the other half of the permissions.

Captain Brooks reported the location had been closed for a significant amount of time; however, in the past, he had experienced numerous calls for service at this location. He noted there was a significant homeless population in the area and four businesses selling liquor in the vicinity. He noted there were issues at all those locations.

Gurpreet Singh, DS Liquor, reported he had a liquor business in Oakland that was in good standing with the City and State. He questioned why the City had not objected to his liquor license when it was published by the ABC or when he informed the City that he was purchasing the property. He reported he had invested in the property and if given permission to sell liquor, they would keep the property clean and comply with all laws.

In response to Commissioner Parsons, Mr. Singh stated the Planning Department did not have an objection to him purchasing the liquor store. Additionally, he noted the City had not given him notice that they were closing his business.

Director of Community Development Ebbs explained that this property had been on the market for years and staff had repeatedly delivered the same message to the broker and anyone interested in the property, that a use permit would be required to operate a convenience store at this location.

Associate Planner Kevin Scudero added that the business had not had a business license since 2010 and per the Municipal Code, after six months they lost their legal non-conforming status and were required to obtain a use permit. Additionally, he noted they had asked the operator of the business to provide proof they were operating without a business license and they were not able to provide any. He further noted they were clear to each person making an inquiry about the property, that a use permit would be required to operate a business at this location.

Director of Community Development Ebbs added that this applicant started the business without a business license and if they had applied for one, they would have been informed at that time. He noted the business was opened briefly until Code Enforcement shut it down.

Mr. Singh stated if given permission they could run the business as it is currently.

Marsha Razo, Antioch resident, stated her family owned property immediately adjacent to the project. She noted there had been no problems with the business when it operated as a dairy. However, in the last 5-7 years, the homeless issues in the area had negatively impacted their ability to rent their property. She further noted another liquor store in the area would increase homeless problems in the neighborhood. She urged the Planning Commission to deny the use permit.

Dan Ramsey, Antioch resident, discussed the illegal, unsanitary and blighted conditions resulting from homeless living in the area. He stated they were opposed to the business reopening. He noted as recent as last summer there were items being sold from the location that he suspected were illegal.

David Kundert, Antioch resident, reviewed and provided written comment opposing the request to operate a convenience store.

Three additional speakers voiced their opposition to the project.

Mr. Singh stated if given permission to open their business, they would abide by the laws and there would be no problems.

Chair Motts closed the public hearing.

Vice Chair Zacharatos stated that she was concerned with alcohol sales at this location and the property was also inadequate for parking and circulation as proposed.

Commissioner Turnage agreed with Vice Chair Zacharatos noting the project as proposed lacked parking which would negatively impact the neighborhood.

Commissioner Conley stated it was commendable that the applicant wanted to improve the appearance of the building; however, he felt this was the wrong location for this type of business. He noted parking issues and alcohol sales were a concern and too many variances would be required for approval. He suggested the City conduct their first Saturday cleanup in areas negatively impacted by the homeless.

Commissioner Parsons stated the broker should have disclosed the issues with the property to Mr. Singh.

Commissioner Husary agreed with Commissioner Parsons and stated that while the property was in escrow the applicant had the opportunity to have all the issues with the property disclosed. She stated she did not support alcohol sales at this location noting the homeless issues were significant and this use would add to them.

Chair Motts agreed with Commissioner Conley and noted that the number of homeless had overwhelmed the City's efforts to provide facilities and services. He further noted that while a new building with security would be a positive change, he could not support a use permit with the parking issue and liquor sales.

Director of Community Development Ebbs explained that the findings were written so that the City could consider a variance for a more reasonable use of the property, in the future.

Commissioner Parsons stated she was also concerned that people would be backing out of the property into the street.

RESOLUTION NO. 2017-03

On motion by Commissioner Conley, seconded by Commissioner Parsons, the Planning Commission members present unanimously adopted the resolution denying the project. The motion carried the following vote:

AYES: Parsons, Husary, Zacharatos, Turnage, Conley and Motts
NOES: None
ABSTAIN: None
ABSENT: Mason

Director of Community Development Ebbs informed Mr. Singh that he could appeal the decision to the City Council and forms were available at the Planning Department and needed to be submitted by 5:00 P.M. on Thursday, February 23, 2016.

Chair Motts thanked Mr. Singh for submitting his use permit application.

ORAL COMMUNICATIONS

Director of Community Development Ebbs reported he had presented the Sand Creek Focus Area to Council which they had continued for four (4) weeks. He noted once the outstanding issues were resolved, the administrative draft would go through the environmental process and be back before the Planning Commission in formal draft form. He further noted that the item would be agendized as a public hearing and landowners within 300 foot radius would be receiving notifications via the US postal service.

Chair Motts reminded staff that former Commissioner Hinojosa should be receiving a street sign in recognition of her service on the Commission.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Chair Motts reported on his attendance at the Tranplan meeting.

ADJOURNMENT

Chair Motts adjourned the Planning Commission at 7:25 P.M. to the next regularly scheduled meeting to be held on March 1, 2017.

Respectfully Submitted,
Kitty Eiden